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Union Calendar No. 429

96TH CONGRESS
2D SESSION

H. R. 6086

[Report No. 96-858]

*No action(!)
already handled
DJA*

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 1979

Mr. DANIELSON (for himself and Mr. MOORHEAD of California) introduced the following bill; which was referred to the Committee on the Judiciary

MARCH 27, 1980

Additional sponsors: Mr. HARRIS, Mr. BROWN of Ohio, Mr. LOWRY, Mr. LLOYD, Mr. LaFALCE, Mr. HUGHES, Mr. MAZZOLI, Mr. McCLODY, Mr. KINDNESS, Mr. BARNES, and Mr. FISH

MARCH 27, 1980

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Military Personnel and Civilian Employees' Claims
4 Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amend-
5 ed by adding at the end thereof the following new section:

6 “SEC. 9. (a) Subject to any policies that the President
7 may prescribe, the head of any agency, or his designee, may
8 settle and pay not more than \$40,000 for any claim against
9 the United States made by a member of the uniformed serv-
10 ices under the jurisdiction of that agency or by a civilian
11 officer or employee of that agency for damage to, or loss of,
12 personal property in a foreign country which damage or loss
13 (1) was incident to the service of such member, officer, or
14 employee, who was evacuated from that country on or after
15 December 31, 1978, in accordance with a recommendation
16 or order of the Secretary of State or other competent authori-
17 ty which was made in connection with incidents of political
18 unrest in that country or hostile acts by people in that coun-
19 try, and (2) resulted from that evacuation or from any such
20 incident or hostile act. *personal property in a foreign coun-*
21 *try, incurred on or after December 31, 1978, which damage*
22 *or loss was incident to the service of that member, officer, or*
23 *employee, and*

24 “(1)(A) *that member, officer, or employee was*
25 *evacuated from that country on or after December 31,*

1 1978, in accordance with a recommendation or order of
2 the Secretary of State or other competent authority
3 which was made in response to incidents of political
4 unrest or hostile acts by people in that country, and
5 (B) that damage or loss resulted from that evacuation
6 or from any such incident or hostile act; or

7 “(2) that damage or loss resulted from acts of mob
8 violence, terrorist attacks, or other hostile acts, directed
9 against the United States Government or its officers or
10 employees.

11 “(b) The head of the agency, or his designee, authorized
12 under subsection (a) to settle and pay a claim of a person
13 described in such subsection may, if such person is deceased,
14 settle and pay any claim made by the decedent's surviving (1)
15 spouse, (2) children, (3) father or mother, or both, or (4)
16 brothers or sisters, or both, that arose before, concurrently
17 with, or after the decedent's death and is otherwise covered
18 by this section. Claims of survivors shall be settled and paid
19 in the order set forth in the preceding sentence.

20 “(c) A claim may be allowed under this section only if it
21 is presented in writing within two years after the claim ac-
22 crues, or within one year after the date of the enactment of
23 this section, whichever is later.

24 “(d) The head of each agency shall issue regulations to
25 carry out this section. The same standards applied in adjudi-

1 cating a claim under section 3 of this Act shall be applied in
2 adjudicating a claim under this section. Any claim to which
3 this section applies but which has been adjudicated under
4 section 3 of this Act by the applicable head of an agency
5 before the date of the enactment of this section shall not be
6 adjudicated under this section, but any amount of loss adjudi-
7 cated under such section 3 in connection with that claim
8 which has not been paid shall be payable to the extent per-
9 mitted in this section.

10 “(e) Upon payment of a claim under this section, the
11 United States shall, to the extent of the amount of such pay-
12 ment, be subrogated to any right or claim, with respect to the
13 same damage or loss for which the claim under this section
14 was paid, that the claimant may have against the foreign
15 country in which that damage or loss occurred.”.

Amend the title so as to read: “A bill to provide for the settlement and payment of claims of United States civilian and military personnel against the United States for losses resulting from acts of violence directed against the United States Government or its representatives in a foreign country or from an authorized evacuation of personnel from a foreign country.”.

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